

ASSEMBLY BILL

No. 1130

Introduced by Assembly Member Ruskin

February 22, 2005

An act to amend Section 4519.7 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1130, as introduced, Ruskin. Regional center employee liability.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families.

Existing law, operative until January 1, 2006, limits the liability of a regional center employee for civil damages on account of an injury or death resulting from the employee's discretionary act or omission.

This bill would extend the repeal date until January 1, 2009.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4519.7 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 4519.7. (a) Any regional center employee shall not be liable
- 4 for civil damages on account of an injury or death resulting from
- 5 an employee's act or omission where the act or omission was the
- 6 result of the exercise of the discretion vested in him or her, in

1 good faith, in carrying out the intent of this division, except for
2 acts or omissions of gross negligence or acts or omissions giving
3 rise to a claim under Section 3294 of the Civil Code. This section
4 shall not be applied to provide immunity from liability for any
5 criminal act.

6 (b) This section is not intended to change, alter, or affect the
7 liability of regional centers, including, but not limited to, the
8 vicarious liability of a regional center due to a negligent
9 employee.

10 (c) A regional center employee, when participating in filing a
11 complaint or providing information as required by law regarding
12 a consumer's health, safety, or well-being, or participating in a
13 judicial proceeding resulting therefrom, shall be presumed to be
14 acting in good faith, and unless the presumption is rebutted, shall
15 be immune from any liability, civil or criminal, and shall be
16 immune from any penalty, sanction, or restriction that might be
17 incurred or imposed. The presumption established by this
18 subdivision is a presumption affecting the burden of producing
19 evidence.

20 (d) This section shall apply only to acts or omissions that
21 occur on or after January 1, 2001.

22 (e) This section shall remain in effect only until January 1,
23 2006, and as of that date is repealed, unless a later enacted
24 statute, that is enacted before January 1, ~~2006~~ 2009, deletes or
25 extends that date.